

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANTEAUS N. YARBOUGH
behalf of herself and other persons
similarly situated,

Plaintiff,

v.

KAISER PERMANENTE GEORGIA
REGION a/k/a KAISER
PERMANENTE INSURANCE
COMPANY,

Defendant.

Civil Action No.
1:20-cv-04484-WMR-CCB

**DEFENDANT’S MOTION TO DISMISS
PLAINTIFF’S CLASS ALLEGATIONS**

Defendant Kaiser Foundation Health Plan of Georgia, Inc. (incorrectly identified in Plaintiff’s Complaint as “Kaiser Permanente Georgia Region a/k/a Kaiser Permanente Insurance Company”) (“Kaiser”), by and through its attorneys, Seyfarth Shaw LLP, hereby moves for the dismissal of the class allegations in Plaintiff Anteauss N. Yarbough’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Kaiser respectfully requests the Court dismiss the class allegations from Plaintiff’s Complaint because Plaintiff failed to exhaust her administrative remedies as to her class allegations.

DATED: February 2, 2021

By: /s/ Christina F. Meddin

Christina F. Meddin
Georgia Bar. No 135969
cmeddin@seyfarth.com
Renate M. Walker
Georgia Bar No. 365847
rewalker@seyfarth.com

SEYFARTH SHAW LLP
1075 Peachtree Street, N.E.
Suite 2500
Atlanta, GA 30309-3958
Telephone: (404) 885-1500
Facsimile: (404) 892-7056

Attorneys for Defendant
Kaiser Foundation Health Plan of
Georgia, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2021 I electronically filed the foregoing document with the Clerk of the Court, via the Court's CM/ECF system, which will send an electronic notification to the following attorneys of record:

Lee D. Winston
Winston Cooks, LLC
Suite 815
5050 20th Street North
Birmingham, AL 35203
lwinston@winstoncooks.com

Roderick T. Cooks
Winston Cooks, LLC
Suite 203
319 North 17th Street
Birmingham, AL 35203
rcooks@winstoncooks.com

Alan Howard Garber
The Garber Law Firm
Suite 14
4994 Lower Roswell Road, NE
Marietta, GA 30068
ahgarber@garberlaw.net

/s/ Christina F. Meddin
Christina F. Meddin